



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/683,356	12/18/2001	Yanping Qiu	3774	7328
23699	7590	10/19/2005		
CLAUSEN MILLER, P.C SUITE 1600 10S. LASALLE STREET CHICAGO, IL 60603			EXAMINER JOHNSON, JERROLD D	
			ART UNIT	PAPER NUMBER
			3728	

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/683,356

Applicant(s)

QIU ET AL.

Examiner

Jerrold Johnson

Art Unit

3728

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on RCE filed 03 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3 and 14-24 is/are pending in the application.
- 4a) Of the above claim(s) 3 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-16 is/are allowed.
- 6) ☒ Claim(s) 17-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the markings of claim 22 and the opposing two layers of claim 16 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claim 21 is understood as being dependent on claim 20. Correction is required.

Claim 3 is a withdrawn claim dependent on a cancelled claim. Claim 3 is improper and should be cancelled, as well.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 17-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka JP 7276543 and Examiner Official Notice.

Re claim 1, Tanaka discloses the claimed invention in Figs. 9, 11, and 13 of a corner post comprising a hollow paper tubes with insertable reinforcing tubes disposed within the hollow interior of the corner post, the reinforcing tubes being attached to the outer and inner walls of the corner post with adhesive.

Tanaka does not explicitly disclose the reinforcing tubes being the same length as the corner post, but does show the reinforcing tubes being flush with the axial end of at least one of the two ends of the corner post in Figs. 9, 11, and 13.

Art Unit: 3728

Despite the absence of an explicit disclosure in Tanaka, it would have been obvious to one of ordinary skill in the art to modify the corner post of Tanaka by having the reinforcing tubes being the same length as the corner post. Cutting the reinforcing tubes to the same length as the corner post makes for easier assembly, as no special positioning needs to be performed. Additionally, were the reinforcing tubes of a shorter length, there would be portions of the corner posts that would have less lateral resistance than those sections where the reinforcing tubes extend through the corner post. And as lateral resistance and the attendant cushioning is the primary objective of corner posts. A secondary objective of corner posts is providing axial rigidity to the box within which they are used. It would also be obvious to extend the reinforcing tubes the entire length of the corner post so as to contribute to the axial strength of the corner posts.

Tabuchi JP 11059733 provides extrinsic evidence of the benefits of reinforcing tubes extending to be flush with the opposite ends of a corner posts assembly comprising two interrupted corner post sections 4 and three reinforcing tubes 3.

Re claim 18, not adhesive 44.

Re claim 19, two sided tape is not disclosed but is an art recognized equivalent to adhesive 44.

Re claim 20, note the two reinforcing tubes in Figs. 9, 11, and 13. Also note that the reinforcing tubes are affixed to one another through the corner post.

Art Unit: 3728

Re claim 21, as the corner post is constructed from paper, and the reinforcing tubes are affixed to one another through the corner post, the reinforcing tubes are affixed to one another with paper.

Re claim 22, note the elements 34 and 35 which constitute markings. Further note that the content of markings is construed as printed matter and that content does not convey patentability on the claims. See *In re Ngai* for a more detailed understanding of the handling of printed matter.

Re claim 23, Figs. 9, 11, and 13 all show an L shape.

Re claim 24, note the adhesive bead 44 in Fig. 12.

Allowable Subject Matter

Claims 14-16 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerrold Johnson whose telephone number is 571-272-7141. The examiner can normally be reached on 9:30 to 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 571-272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3728

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JDJ 



Mickey Yu
Supervisory Patent Examiner
Group 3700